

Abogado

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H I S P A N I C
— B A R —
A S S O C I A T I O N

PRESIDENT'S MESSAGE



It is with pride and honor that I serve as the 1993-94 Hispanic Bar Association President during these exciting times that include efforts to bring more Hispanic representation to the judiciary on all levels including the

United States Supreme Court and being a catalyst for our own state government to refer legal work to more of our Hispanic attorneys, as the past track record of such assignments is almost non-existent.

My belief is that the HBA has an obligation to furnish its membership with a support mechanism to alleviate their stressful professional lives such as providing seminars involving civil and criminal law. A criminal law seminar with various speakers and a tort law seminar with Gerald Baker, Esq. are being planned for September. We are also planning a function to be held jointly by the HBA and the Statewide Hispanic Chamber of Commerce for the membership to network and meet each other and members of the business community.

A general membership meeting was held on April 19th and Commerce Commissioner Gualberto Medina and Appellate Judge David Landau were the two guest speakers. On the agenda also was Dennis Donnelly, counsel to Consumers for Civil Justice, who gave a presentation and status report on the current legislation on "Tort Reform". A second general membership meeting will take place after Labor Day for nominations for the Board of Trustees, including all officers except President. Thereafter, elections will be by mail ballots, and only sent to members in good standing who have paid their dues. (This ABOGADO issue includes the notice for payment of membership dues.) It is essential that members take advantage of this opportunity to voice their opinion and bring in their chosen participants to the Board.

I am particularly proud that ABOGADO has been resurrected during my presidency,

since I believe that it is the fundamental tool to reach out with important information and notices to the membership. ABOGADO, the official publication of the HBA, will be published during 1994. Articles may be submitted to the Editor for inclusion in the next issue, expected to be out in the fall.

Consistency in leadership is important and for this reason I will work closely with President-Elect, Rafael Perez. Our coordination will ensure that projects which inevitably will not be completed in my one year term will continue until completed.

However, all this is for naught unless there is core participation and unison by the members of the community which are vocal and have the ability to participate in the election process. Participating in the political process is key. We as a community must not only be vocal and outspoken in our beliefs, but must rally together to demonstrate strength. And there is tremendous strength and potential, since Hispanics are the fastest growing minority group. Moreover, Hispanics are becoming increasingly active in the political process, since over 60% of New Jersey Hispanic voters voted for Governor Christine Whitman.

In the case of Federal judgeships, for example, Senator Lautenberg recently nominated Essex County Superior Court Judge, William H. Walls. The fact that a competent Hispanic judge was not named by Senator Lautenberg is a great disappointment to those who took his word in that he was committed to a Latino judge for the Federal bench. The dissent in this judicial selection must reach him, or the future will not change. The perception will exist that this is acceptable. Having only one Hispanic judge sitting on the Federal Bench for this Judicial District is not acceptable. The message can only be made clear by an active, forceful opposition.

The HBA is a force that has been developed throughout the years with fine leadership. But I believe that it constantly needs an infusion of new active members for a multitude of reasons, the most important of which is the assurance of fresh ideas and the objectivity of goals. The time is now to be a part of this and make a difference. Please contact me if you want to be part of the infusion.

The Hispanic Bar Association Honored all Past-Presidents at Its Regional Meeting in Hudson County



Left to right.- Lourdes Santiago, Rafael Perez, Margarita Echevarria, Ignacio Perez, Griselle Camacho-Pagan, Virginia Class-Mathews, Raul Tous, Honorable Roberto Alcazar, Daniel Guadalupe, Estela De La Cruz and Congressman Robert Menendez.

On January 19, 1994, the HBA honored its thirteen past Presidents's at its Hudson County Regional Meeting held at the Ramada Plaza Suites Hotel in Secaucus, New Jersey. The Regional Meeting was chaired by Lourdes I. Santiago, HBA Trustee for the Hudson County Region, and hosted by the current President Estela De La Cruz.

The majority of the thirteen past presidents were able to attend the meeting and reception. We had an impressive attendance by HBA members despite the frigid temperatures. The thirteen honorees were: Founding president Margarita Echevarria (1980); Hon. Severiano Lisboa III (1981); Hon. Hector E. De Soto (1982); Zulima V. Farber (1983); Hector R. Velasquez (1984); Griselle Camacho-Pagan (1985); Joseph A. Ginarte (1986); Virginia Class-Mathews (1987); Raul Tous (1988); Hon. Roberto Alcazar (1989); Edwin Flores (1990); Daniel R. Guadalupe (1991); and Aida L. Cabello (1992).

The keynote speakers for the evening were Congressman Robert Menendez and founding president Margarita Echevarria, Esq. Both left us with inspiring messages of support

for future work. Congressman Menendez continues to be a friend and strong supporter of our organization and urged us to increase our involvement in legislative issues affecting our communities. Margarita Echevarria, Esq., properly outlined the mission of the Association at its inception and urged us to continue our commitment to our Hispanic community and commended the Hispanic Bar Association for the accomplishments it has achieved in recent years.



Left to right; Hon. Jose Fuentes, Estela De La Cruz, Congressman Robert Menendez

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HBA President Invited to Briefing on Crime Bill

Washington, D.C.- HBA President, Estela De La Cruz, was invited to attend a briefing of President Bill Clinton's proposed "Crime Bill" on February 10, 1994. The speakers included Vice-President Al Gore and Attorney General Janet Reno. The invitation was extended by Congressman Robert Menendez, a long-time member and supporter of the Hispanic Bar Association of New Jersey.

The briefing was attended by approximately one-hundred community leaders from various states of the North-East region, including New Jersey, New York, Connecticut and Massachusetts. The briefing was held in the Old Executive Office Building in Washington, D.C.. Others in attendance from New Jersey included Carlos Ortiz, Esq., Immediate-Past President of the Hispanic National Bar Association and Essex County Sheriff, Armando Fontoura.

The message from the White House was clear in that it wishes citizen input in legislating the "Crime Bill". The incentive and goals for the legislation are solid and undisputable, but how to reduce or stop crime is in dispute. This is the reason for the regionalized caucuses: to directly discuss the proposed legislation with the communities. These types of conferences were also to be held with other states as well. The North-East regional caucus was the first in this series.

HBA President Attends Dinner Banquet of the Hispanic Business and Professional Association

Teaneck, N.J.- The Hispanic Business and Professional Association (HBPA) of Bergen County celebrated its Seventh Annual Scholarship Dance on Saturday, April 30, 1994. HBPA is considered by many as one of the best organized and effective Hispanic organizations in New Jersey. The activity raises funds for scholarships for Hispanic students. HBA President, Estela De La Cruz, represented the HBA at the affair.

The honored guest for the evening was Miguel Perez, journalist and columnist for the Bergen Record. Mr. Perez's column appears several times a week, providing candid and straightforward opinions on living as a Latino/a in the United States, with frequent focus specifically to living in the North-Jersey area.

Kay Palacios, Chairperson of the HBPA, organized the activity. Also present was Mary Donohue, the first Hispanic ever elected Freeholder in Bergen County and State Senator Byron Baer.

The HBPA meets monthly in Teaneck, New Jersey. Those interested in becoming members should contact Kay Palacios at (201)871-3646.

HBA HONORS PAST-PRESIDENTS *Continues from page 3*



Left to Right: Hon. Roberto Alcazar, Lourdes I. Santiago, Carlos Ortiz, Bernard Lambert, all HBA members.

In her comments, Estela De La Cruz praised the work of the past presidents and reiterated that this was a tribute that was long overdue. She also outlined the pressing issues for the year and reported on her accomplishments in her short tenure thus far.

We culminated the meeting with the viewing of the Supreme Court Confirmation Hearing for Justice Ruth B. Ginsberg. Our very own Carlos Ortiz, Esq., past president of the Hispanic National Bar Association and currently the General Counsel for Goya Foods, Inc. testified on her behalf before the Senate Judiciary Committee. It was a very proud moment for all of us and certainly an appropriate end to a successful first HBA Regional Meeting in 1994. The evening continued on a social note with hors d'oeuvres and Salsa music. We look forward to the next Regional Meeting.

GUALBERTO MEDINA

"First Hispanic Commissioner of Commerce"

By: Ramon de la Cruz, Esq.

Newark, N.J.- In January, 1994, Gualberto Medina became New Jersey's first Hispanic Commissioner of the New Jersey Department of Commerce & Economic Development, appointed by Governor Christine Todd Whitman. Medina's experience indicates that he is the right person for the job. By way of background, Gualberto Medina was born in Puerto Rico and is an attorney and a Certified Public Accountant. He resides in Cherry Hill with his wife and three children.

Prior to joining the Whitman Cabinet, the Commissioner was Director of Management Advisory Services of John Milligan & Associates, a regional accounting firm located in Philadelphia from 1981 to 1988. Commissioner Medina also served from 1979-1980 as Executive Director of the S.M.A.-Economic Development Corporation in Philadelphia and was an attorney-advisor for the U.S. Department of Housing and Urban Development Office of the Regional Counsel from 1977-1979. Commissioner Medina also maintained a law practice devoted to providing legal counsel and consulting services to small businesses as well as to major corporations. He has advised these enterprises on matters ranging from bankruptcies and contract disputes to mergers and acquisitions. He is still an Adjunct Professor at Eastern College in Saint David's, Pennsylvania where he teaches a graduate course in Urban Economics. This activity is one of his current academic roles which gives him much pleasure.

The Commissioner has served on numerous professional, community and government boards including: the Executive Committee of the Business Section of the Philadelphia Bar Association, the Philadelphia Hispanic Chamber of Commerce as President, the Greater Philadelphia Chamber of Commerce's Small Business Council, and as Co-Chairman of Mayor Rendell's Leadership Task Force. He was the recipient of the Greater Philadelphia Chamber's Minority-Business Advocate of the Year Award and the U.S. Department of Commerce/ Minority Business Development Agency's Excellence Award in 1991 as well as being the Small Business Administration

Minority-Business Advocate of the Year for Pennsylvania in 1993. Commissioner Medina has also participated as an advisor or director to several Philadelphia banks and has published articles on the capital need of small and minority businesses in several technical journals including *Standard & Poor's* and *The Review of Banking & Financial Services*.

A former Camden City Councilman, Commissioner Medina advocated and assisted in drafting a proposal for the City's first bilingual education and special education programs. He was also instrumental in drafting and sponsoring Camden's first affirmative action ordinance relative to contracting, procurement and employment.

During our interview on March 7, 1994, the Commissioner stated that, historically, Latinos have not participated equitably in procurement programs. As Commissioner, Medina states that he intends to publicize New Jersey's procurement program and the opportunities for minority-owned businesses. The Commissioner also stated that he wants New Jersey to follow the federal standards as they relate to minority-owned businesses and small business participation in procurement contracts. Medina wants to adopt 49 C.F.R. standards (federal statutes) and give reciprocity to any person or business certified under any other state under the federal standard. Medina states that in the future, a business already certified would automatically be certified in New Jersey without going through the entire certification process again that was already satisfactorily completed in another state.

Medina cited capital, or a lack thereof, as being a major problem among minorities. Medina stated that a majority of Hispanics live in poverty and that Hispanics earn far less than non-Hispanics. Furthermore, Medina cited that the net worth of Hispanic households is \$4,000 compared to \$60,000 for non-Hispanic households. With this dismal statistical backdrop, the Commissioner intends to disseminate more information on the availability of loans at below market interest

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Comentario

by Dan Guadalupe

My hat is off to HBA President Estela de la Cruz for resuming publication of this journal which was started in 1990. *Abogado* is essential to inform the Hispanic attorneys and community of New Jersey about the achievements and activities of their bar. It also serves as a forum to encourage debate and raise our collective conscience. Thank you, Estela, for making *Abogado* possible again.

Let me relate a story much too familiar to many of us. The story unfolds during each and every election, and it repeats itself time after time.

It is the story of a group with significant population growth in a small but important Northeastern state. Due to its impressive population statistics, the group attracts politicians looking for new votes.

As such, the group enjoys "some" recognition by the political parties, especially in the state's major cities. During election year, the candidates purport to embrace the group promising prosperity. However, many of the promises, such as increasing representation of the group in the judiciary and in boards and commissions, are simply not fulfilled because of the political realities of this day and age. There are simply others who wield considerable more influence. It is a reality recognized as early as the time of the founding fathers, who masterfully realized that the new nation would be composed of diverse groups competing with each other. The group in our story, having admirable faith in the political process, believes and hopes that democracy will set it straight one day; yet others in the same group, purportedly being more realistic, reassert time after time that it will be a matter of "time" before the group is truly heard and properly represented in all aspects of government. "We are making progress" is their motto.

As the hands of the clock gracefully join to signal the beginning of a new day and the end of election night, and when the returns of most of the districts are in, a metamorphosis begins in the minds of the elected leaders as the defeated candidates finish their concession speeches. The meetings with the "coalitions", the memories from the banquets, the speeches

advocating sensitivity and justice, all that was politically convenient must give way to that which is politically expedient. The elected leader must now put that behind and deal with the complex political reality, a reality which keeps eluding the group in our story. In the meantime, our group is conspicuously absent from the unfolding drama in the victorious camp: the influential lawyers in the party; the respected and influential party politicians and legislators who were so vital in fundraising and stumping; and the business figures who rallied the support of the wealthy few. The struggle for influence begins, and for the most part stays private. The winners of the melee will direct its new course. Appointments, policies, goals, achievements, initiatives, contingencies, public relations, press relations -- they are all laid out and considered. Who wants what department, what budget, what authority, what jobs; who has the experience, the credentials, the contacts, the influence; who can do the least damage; who can be the least embarrassing, the most loyal.

Where does the group of our story fit into all of this? That is the question. The group has not been able to penetrate that inner circle/decision-making process which often decides the fates of individuals and entire communities alike. After having observed the process up close, too close perhaps, like some Puerto Rican "*DeTocqueville*", I have seen that the group is nowhere to be found in the highest, innermost circles where the significant party decisions are made. That explains, in large measure, the political and economic status of the group. That explains the group's absence from the important policy and decision-making processes in the State. Is it that the group has not grasped the concept that it is more than votes; more than numbers; more than "coalitions"? I am persuaded that it does understand that. What it doesn't seem to understand is that the enthusiasm and the energy should be focused, not only on registering more voters, but ensuring that a group of its most influential individuals penetrate, if not infiltrate, the cauldron of real politics which is only seen boiling by very few. The present challenge for the group is how to achieve

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HBA GENERAL MEMBERSHIP MEETING HELD ON APRIL 19TH

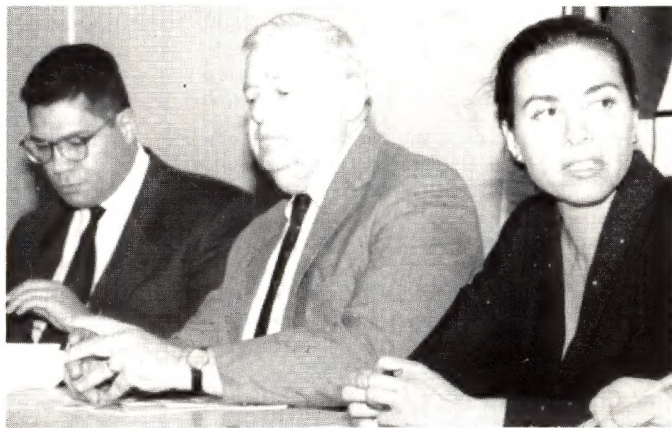
Speakers included Commissioner of Commerce and Appellate Judge

By Estela de la Cruz, Esq.

The Hispanic Bar Association of New Jersey (H.B.A.) held its first General Membership meeting on April 19, 1994 at the New Jersey State Bar Association Law Center in New Brunswick. It was extremely well-attended by H.B.A. members and was initiated with a brief cocktail reception. Various members of the press were in attendance as well as some members of the business community.

President Estela De La Cruz chaired the meeting and presented Commissioner of Commerce, Gualberto Medina as the evening's first speaker. Commissioner Medina had long expressed an interest in speaking to H.B.A. members. He detailed his Department's goals and services. He described the economic condition of the state in its various forms and advised how his Department is handling and helping the state's residents, through the Small Businesses, Women and Minority Businesses Division, among others. He closed by extending an invitation to further questions by contacting his office.

Judge David Landau, of the Appellate Division, was also a guest speaker and made a presentation on the Inns of Court. The Inns of Court is designed to train young attorneys in the craft of a trial. Judges, experienced attorneys and young attorneys all participate once a month, usually over dinner, to discuss and dissect a certain segment of a courtroom trial. Judge Landau vividly recounted his experiences as a young attorney and stressed the importance of comradery and actual training



From left: N.J. Commissioner of Commerce, Gualberto Medina, Esq., Appellate Judge, David Landau; HBA President, Estela De La Cruz, Esq.

in preparation for courtroom appearances. His lecture was essential for H.B.A. members to get to know members of the judiciary and for them to be informed about Inns of Court. Members can contact Harold Braff, Esq. for further information in participating in the Inns of Court.

The status of the "Tort Reform" bills was another item on the agenda which was presented by Dennis Donnelly, Esq., counsel to Consumers for Civil Justice. Consumers for Civil Justice is a group comprised of various consumer entities which will be adversely affected if the pending legislation passes. It was urged by Mr. Donnelly for all present to write to their legislators and communicate their opinions regarding the pending legislation. The H.B.A. has actively and publicly opposed this legislation. The H.B.A. has passed a resolution denouncing the pending legislation in its present form. Members can contact Dennis Donnelly, Esq. if they desire further information on Consumers for Civil Justice.

Other items were discussed, including judicial appointments and the efforts made in that regard by the H.B.A. and plans for the annual dinner-dance. The meeting adjourned at 9:30 p.m. with the guest speakers continuing to mingle with the membership.

COMENTARIO...*Continues from page 6*

this and, not just be "heard", but be an equally important and influential participant that exercises influence. It is a simple equation: influence only yields to influence. I even feel tempted to agree with those who say that it will happen some day; but I can't. I refuse to leave it to my great-grandchildren to do it.

As you realize by now, the group of our story is the Hispanic or Latino community of our State (whichever term you deem most politically correct). As attorneys, we play a key role in taking our community to the highest spheres of decision and policy making. Let it be clear that I am not referring to elected or appointed positions. I refer to the spheres that behind the scenes virtually decide who the elected and appointed officials will be—something very different from the officials themselves. Our community needs the Hispanic/Latino attorneys to penetrate "the cloud of unknowing" which separates grassroots politics from real politics.

We need our attorneys to persuade their most influential clients and friends to support our community's cause; advise candidates; hold fundraisers; and in general, develop a sphere of influence of our own that will be useful at the time when the highest and innermost circles of both parties make their decisions—decisions that deeply affect our community and that, as of today, are made in disregard of our community because the influence is just not there. The pursuit of real influence, not contemplation of the electoral process, is what we should focus on. As Hispanic/Latino attorneys, we have a moral responsibility to advance the interests of our community in a political arena where our community is the least heard of all.

(Dan Guadalupe is a former President of the HBA. The views expressed in "Comentario" are not necessarily those of the HBA of New Jersey.)

GUALBERTO MEDINA FIRST COMMISSIONER *Continues from Page 5*

rates offered through the Economic Development Authority (E.D.A.). According to Medina, transactions are varied and candidates can qualify for loans as small as \$50,000 and as high as several million dollars.

Another priority is to foster growth in the small business community. Under federal standards, a small business is defined by 500 employees or less. The Commissioner states that this can come about through regulatory and tax structures that are predictable; a fair share of the procurement contracts; making capital available to small businesses through the E.D.A.; and working with the banking community to help banks meet the needs of the small business community. In addition, the Commissioner proposes setting goals that would require that a certain percentage of E.D.A.'s contracts be made available to minority businesses.

On the international trade issue, Medina says that he was an early supporter of the N.A.F.T.A. and the G.A.T.T. agreements. With New Jersey exporting 11 billion dollars in trade which translates into 365,000 jobs for New Jerseyans, Medina states that his office will study ways to expand New Jersey's exporting abilities into

developing foreign markets in Latin America, Mexico, China and the Pacific-rim countries.

As for the "Free Cuba Task Force" which was initiated by former Governor Florio by way of an Executive Order to explore economic and business opportunities in a democratic, post-Castro Cuba, Medina says that he is committed to having the commission continue its efforts. With New Jersey being the largest Cuban community in the U.S. outside of Miami, Medina is anxious to take advantage of the potential economic linkage with Cuba. The task force was created April, 1993 for a one-year life span, which can be renewed by way of an Executive Order of Governor Whitman. It was designed to operate within the Department of Commerce, as a mechanism for promoting economic development in New Jersey once the current Cuban government is gone.

Since our interview, Commissioner Medina appeared as a special speaker at the April 19, 1994 Hispanic Bar Association general membership meeting. His involvement and enthusiasm with the Hispanic Bar Association is well received and necessary for the growth of the organization. We look forward to other meetings with Commissioner Medina.

Update on Task Force Minority Concerns

By: Honorable Judge Severiano Lisboa

The Task Force on Minority Concerns, as we know it today, had its early beginning about 11 years ago.

Back in 1983 the Chief Justice Robert N. Wilentz, met with a group called the "Coalition of Minorities in the Judiciary" to address the Committee's concerns, and convened an internal ad hoc "Committee on Minority Concerns". The Committee was chaired by Judge James H. Coleman, Jr., from the Superior Court, Appellate Division.

The Committee was not a formal court-appointed committee, but rather an ad hoc group meeting at the request of the Chief Justice to identify problem areas in the relationship between the judicial system and our minority citizens.

A report was then written based upon discussions at the committee sessions, the written reports of the subcommittees, and the suggestions and comments of the community representatives.

In August of 1984 the report of the Committee on Minority Concerns, which was also known as the Coleman Report, was submitted to the Supreme Court.

In September 1985, after reviewing the report of the Committee on Minority Concerns the Chief Justice formed the present Task Force.

The Task Force was named as the New Jersey Supreme Court Task Force on Minority Concerns.

The Chief Justice commissioned the Task Force "to undertake a critical examination of the concerns of minorities with their treatment in and by the courts to propose solutions to the identified problems that are within the power of the Judiciary to implement." Further, the Chief Justice instructed the Task Force "to pursue its investigation wherever they may lead and set forth its findings."

Judge Theodore Z. Davis, of Camden County Superior Court, was asked to be Chair. Task Force initial members were one Appellate Division Judge, numerous Superior and Municipal Court Judges, the Public Advocate, the director of a legal service agency, prosecutors, academicians, and representatives from minority community organizations.

The Task Force realized that some of its research projects required further time to complete. Therefore, it decided to submit an "Interim Report" to the Supreme Court in August 1989 to inspire as many changes as possible rather than wait until all recommendations were completed.

The Final Report of the Task Force was completed June of 1992 and submitted to the Supreme Court for their review. The Task Force made the following findings:

One: That there is a perception of insensitivity or indifference to minority citizens who are in the criminal justice process.

Two: Criminal defendants who have limited English proficiency often are unfamiliar with the judicial process, are sometimes subjected to discrimination because of language, receive inadequate interpreting services, and have limited access to the various support services.

Three: Minority defendants are over-represented at all stages of juvenile delinquency proceedings.

Four: Many minorities express a lack of confidence in the court system and are reluctant to bring cases to court.

Five: Minorities are under-represented on juries and, as a result, decisions reached by juries may discriminate against minorities.

To rectify some of these problems, the Task Force made the following recommendations to the Chief Justice:

One: That a "permanent" Supreme Court Committee on Minority Concerns be appointed to further the goals of the Task Force;

Two: That the permanent Supreme Court Committee study minority representation on juries and their impact, if any, on verdicts;

Three: The Supreme Court should require annual sensitivity training to address racial and ethnic bias for all judges and court personnel;

Four: That all court personnel attend ongoing cross-cultural training programs;

Five: That trial courts provide interpreters who are not only bilingual, but who have a knowledge of cultural language variations.

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Update on Task Force Minority Concerns *Continues from page 9*

that the Court should direct the Administrative Office of the Courts to expand its training efforts and direct appointing authorities to increase court interpreters' pay.

These are but a few of the recommendations made by the Task Force Committee.

On August 16, 1993 the Supreme Court approved the Final Report of the Task Force on Minority Concerns.

To resolve these problems the Chief Justice set up a new Standing Supreme Court Committee on Minority Concerns. The Supreme Court named Harold W. Fullilove, Judge of the Superior Court in Essex County, as Chair and Severiano Lisboa, Judge of the Superior Court in Hudson County, as Vice-Chair of the new Standing Committee.

To assure implementation of the recommendations, the Supreme Court directed that each of the vicinages create a Vicinage Advisory Committee on Minority Concerns.

The Supreme Court also set forth an action plan to act as a guide to the new Standing Committee, the Court, and all employees of the Judiciary. The action plan would take effect immediately to "eradicate all forms of bias and discrimination."

This plan requires that certain actions be taken directly:

the implementation of a pilot project for developing a uniform procedure for receiving and handling complaints of discriminatory conduct brought against any employee of the judiciary other than a Judge;

all judges and other court employees must become competent in delivering services effectively to a culturally and ethnically diverse population;

linguistic barriers to access shall be overcome by providing qualified interpreters and bilingual court support personnel;

each vicinage shall develop a program at the local level that will familiarize the minority communities with the judicial system.

Lastly, in conjunction with the Chief Justice's action plan, Judge Fullilove and Judge Lisboa have been going throughout the State meeting with minority bar associations,

state bar associations, community groups to obtain names of individuals who would like to serve on the new statewide committee. Recently, a list was submitted to the Supreme Court for their consideration. On February 28, 1994 the names of the members of the Statewide Committee were released and they are as follows: Dean Roger I. Abrams; Maggie Aguero; Edward H. Brown; Paulette Brown, Esq.; William C. Carey, Esq.; Hon. Juan Cartagena, J.M.C.; Noreen A. Casey; Felipe W. Chavana, Esq.; Thomas R. Curtin, Esq.; New Jersey State Bar Association President; Estela M. De La Cruz, Esq.; H.B.A. President; Hon. Samuel G. DeSimone, A.J.S.C.; Maria Vizcarrondo-DeSoto, Essex County Surrogate; Hon. Travis L. Francis, J.S.C.; Harold W. George, Esq.; Lynn H. Johnson; Hon. Lawrence M. Lawson, A.J.S.C.; Eugene McCaffrey, Esq.; Albert W. Merck; Linda Wong Peres, Esq.; Hon. Deborah T. Poritz; Susan L. Reisner, Esq.; Alfredo Santiago; Lourdes I. Santiago, Esq.; Diane K. Smith, Esq.; Rev. DeForest B. Soaries, Jr.; Wanda Douglas Thigpen, Esq.; Hon. Shirley A. Tolentino, J.S.C.; Hon. Renee Jones Weeks, J.S.C. and Hon. Judith A. Yaskin, J.S.C.

Accordingly, once the statewide committee and the vicinage committees are in place, the tremendous task of implementing the Supreme Court's mandate throughout the State will begin.

However, the vicinage committees are still in the process of being organized consistent with the Chief Justice's mandate. If you are interested in serving on your vicinage committee or know of a community person/leader who would like to serve in such capacity, send a copy of your resume directly to the Assignment Judge of your County for consideration. A cover letter should be enclosed setting forth your reasons for wanting to serve and what you would be able to contribute to the overall makeup of the Committee. You can also contact Dr. Yolanda Marlow, Administrative Office of the Courts, Trenton, N.J., phone - (609) 633-8108 for further information concerning the statewide Task Force or Vicinage Committee.

(Judge Severiano Lisboa has been a member of the Hispanic Bar Association and constant ally. He is a instrumental force in the Task Force's success in its goals.

Law Day Speech given by Honorable Jose Fuentes Hudson County Superior Court on May 4, 1994

Law day is set aside every year to reflect upon the role our system of laws plays in our society. The American Bar Association (ABA) has selected this year's theme to be "Just Solutions." It is puzzling to me why this particular theme was selected. It implies a role for the law and the institutions charged with its application which lack support in the history of our jurisprudence.

We must examine, then, what these words mean, the expectations they raise, and the ability of our institutions to meet these expectations. The first word is "just". In the context of solutions, just could stand for only: as in just solutions, not argument, philosophy, rhetoric...just solutions. Judges bombarded with endless meetings concerning delay reductions and over-goal cases, can reasonably construe just solutions as the latest motivational slogan from Director Lipscher's office. As in "please don't talk to us about quality of justice, complexity of issues, compassionate treatment of litigants, courteous and professional attention to lawyers, meaningful exchanges with jurors, or quality, intellectual discourse with colleagues, we want to know about the number of:

Cases docketed, motions decided, matters adjudicated, complaints dismissed, pleas taken, defendants sentenced, and files closed.

Solutions...just solutions

But in fairness to the ABA, I don't think that is quite what they had in mind. Therefore, if "just" does not stand for, only then it must refer to justice, as in fair, reasonable, equitable, evenhanded, and the great symbol of lady justice, with blindfolded eyes, weighing the merits of both sides. But wait a minute, is that truly the role of the courts? The great justice Oliver Wendell Holmes once remarked: "I am always suspicious of an advocate who comes before the Supreme Court saying that this is a court of justice; it is a court of law."

Our present Chief Justice, the Honorable William H. Rehnquist, has apparently adopted

this notion of the role of the courts. He has stated:

"The suggestion that the function of the judge is to deliver justice, in the sense of meeting out what he personally conceives to be justice, quite apart from the constitution or law, I would have to reject."

Well then, if not justice, then what are we all about. As I thought about this question, the words of the most influential legal mind I have had the pleasure to encounter came echoing back. Professor Kinoy would stand in the front of the long lecture pit which was Room 104 at Rutgers Law School, and let the sparks of his intellect and passion rain over us like a fire storm of the mind. "To understand our nation, to understand our great legal traditions, he would say, "you must, to the extent that is possible, understand John Marshall. In the beginning, Marshall spoke the words, and the words are Marbury vs. Madison.

So I took out my autographed copy of Marbury vs. Madison and read the words:

"It is, emphatically, the province and duty of the judicial department, to say what the law is."

So now I understand. We are not about justice, as elusive and fragile as that notion is. We are about the law. We say what the law is. Therefore, looking back on our theme of just solutions, we must substitute the word "just" with the word "legal."

But is that it? Are we in the business of solutions, legal or otherwise?

The word solution is also susceptible to different meanings or interpretations. A solution can be a mixture, a brew, a combination of different elements producing a new product of distinguishable parts. It is also an answer, a resolution, as in the solution to the problem of racism in our society is...in this context we know full well that courts are not the place where solutions are found. Brown vs. Board

Continues on page 12

of Education was not the solution to the problem of racial segregation in our nation's schools. Roe vs. Wade was not the solution to the moral and legal dilemma confronting our nation, in the arena of reproductive rights and self determination. The Mount Laurel decisions were not the solutions to the affordable housing crisis in our state, any more than Robinson vs. Cahil or Abbot vs. Burke have been the solution to the need to provide a thorough and efficient education to all of our state's children, regardless of where they happen to live.

Bottom line folks, don't look to us for justice or solutions. That is not our job. Our job, our function, our role within this free, democratic society is to say what the law is.

Having said that, however, I don't want to leave you with the impression that I believe my job to be relegated to that of a petty technocrat, armed with a dictionary in one hand and a copy of the constitution in the other. Justice Brennan, whose courtroom was in this very building, viewed the constitution as a living document, containing broad and majestic terms, purposely left to gather meaning from experience. The words of the constitution, Justice Brennan stated:

"Relate to the whole domain of social and economic fact, and the statesmen who founded this nation knew too well that only a stagnant society remains unchanged."

So, as we gather to celebrate law day, let us look to the legislature and the executive branch of government to engage in that great debate where public policy is drafted, seeking solutions to the ever changing problems of our society. It is their role, it is their function to consider the numerous points of view on any given subject of public concern, and to develop, whenever possible, the most responsive and just solutions. And after all of the sound and fury is over, and the debate is reduced to statutes, regulations and ordinances, let us look to the court to tell us what it all means...what the law is..., within its role as the guardian of our legal heritage, entrusted by a free people to breathe life and modern application to broad and majestic terms like liberty, due process and equality under law.

Thank you.



Hispanic Bar Association Resolution

WHEREAS the Hispanic Bar Association of New Jersey Officers and Trustees considered the issue of "tort reform" which as presently proposed severely affects the rights of public access to the courts, and specifically detrimentally affects the Hispanic community in general, at a duly constituted meeting of the Hispanic Bar Association of New Jersey on March 15, 1994; and

WHEREAS the New Jersey Legislature has 14 bills presently pending, which if passed would severely change tort law in New Jersey; and

WHEREAS the present legislation is so austere that it limits a lawyer's ability in New Jersey to reasonably and adequately represents the interest of its clients; and

WHEREAS the Hispanic Bar Association is deeply committed to the interests of the public and the Hispanic community; and

NOW THEREFORE, on this 15th day of March, 1994, it is hereby resolved that the Hispanic Bar Association ardously objects to the deterioration and denigration of the tort system under the pretext of "tort reform" which is presently pending before the state legislature and resolves to take all reasonable actions to voice its opinion against presently proposed "tort reform".

WITNESS:

Estela de la Cruz,
President

Ramon de la Cruz,
Secretary

PUBLIC INTEREST LAW CAREER OPPORTUNITIES WITHIN THE DEPARTMENT OF LAW AND PUBLIC SAFETY

by Antonio Cardona

Perhaps you have recently graduated from law school and are wondering if state government has something meaningful and worth exploring. The answer is yes. If you are an attorney interested in public interest law, the Department of Law and Public Safety has many worthwhile legal positions.

The Department of Law and Public Safety has primarily 3 legal divisions. These are respectively the Divisions of Law, Criminal Justice and Gaming Enforcement. The Division of Law, the largest division, provides legal representation to cabinet officers, other state officials, departments, agencies and is essentially the civil arm of the Attorney General's Office (OAG). The Deputy Attorney General's (DAGs) within the Division of Law advise and represent all the state's 20 principal departments and most of its 400 sub-agencies. The DAGs in the Division of Criminal Justice provide oversight of all criminal appeals for the 21 counties. The Division of Gaming Enforcement oversees all phases of the casino-related business.

A normal day as a DAG may involve providing general day to day legal counseling, preparing legal memoranda regarding the scope, terms, legal effect of laws having statewide impact, legal litigation and argumentation. Some of the areas of general concern that DAGs are routinely involved in are environmental law, consumer protection, torts, civil rights, corrections and parole, taxation, transportation, insurance, child abuse and neglect, labor law, public utilities

regulation and periodic reviews of the constitutionality of various laws and legislative bills.

In order to be considered for a DAG appointment, an applicant must have completed a JD from an accredited ABA-approved law school, have been accepted into the New Jersey State Bar Association and remain in good standing therein and have an interest in serving for three years in public interest law.

For the last several years, the department has continued to seek minority applicants interested in public interest. Once relevant materials are received from perspective applicants, a computerized minority tracking system keeps track of the progress made by applicants. All materials are forwarded to appropriate appointing authorities for placement review. This process assures that all minority applicants are uniformly reviewed and as appropriate, placement follow-up is brought about. Last year over 21% of the placements in the department were protected-class attorneys.

In order to continue the trend to establish a culturally diverse workforce, the Department of Law and Public Safety would like to extend an invitation to recently graduated Hispanic attorneys who have sat for the State Bar Examination to apply. Please contact Antonio Cardona, State Attorney General's Office, Human Resources Section, EEO/AA, CN 081, 3rd Floor, Justice Complex, Trenton, New Jersey 08625. Mr. Cardona may also be reached at (609) 633-6577 or (609) 984-6025.

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Legal Aid Society's Staten Island Neighborhood Office for Attorney- in-Charge of the office- contact Helaine Barnett, Deputy Attorney- in-Charge at (718) 722-3100. Salary dependent on experience.

Hudson County Regional Office of Public Defender's Office for Pool Attorneys- contact Verna Leath, Esq. at 438 Summit Avenue, P.O. Box 3182, Jersey City, N.J.

Judiciary Disciplinary Review Board of the Supreme Court of New Jersey for Legal Assistant II- contact Carmen Flores, CN 966, Trenton, N.J. Salary maximum \$50,000.

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FOR THE FOLLOWING TWO ANNOUNCEMENTS, contact Linda K. Hawkins at Dept. of HUD, Office of Personnel and Training, Room 2258, 451 7th Street, S.W., Washington, DC, 20410-3100 and at(202) 708-3203.

**NOTE THAT PROSPECTIVE APPLICANTS SHOULD CALL IMMEDIATELY
FOR PARTICULAR JOB APPLICATIONS WHICH MAY BE REQUIRED:**

Assistant General Counsel for Community Development at HUD Headquarters , GS-905-15;
Announcement no. 00-MSH-94-0041.

Deputy Assistant General Counsel for Fair Housing Division of the Office of Equal Opportunity and Administrative Law, GS-905-15; Announcement no. 00-MSH-94-0042.

HISPANIC BAR ASSOCIATION OF NEW JERSEY, INC.

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Name _____ DAt _____

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Other State(s) in which you are licensed to practice (if applicable): _____

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Enclosed find my check in the sum of _____ to cover my membership fee for the HBA calendar year 1994, as follows (check one below):

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Please make check payable to the:

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☐ No, I do not want to have the above information published in the HBA Directory.

☐ Yes, I hereby authorize the Hispanic Bar Association of New Jersey to publish my Name, office address and office telephone number and areas of practice in the HBA Directory. (Please sign below)

Signature

Date

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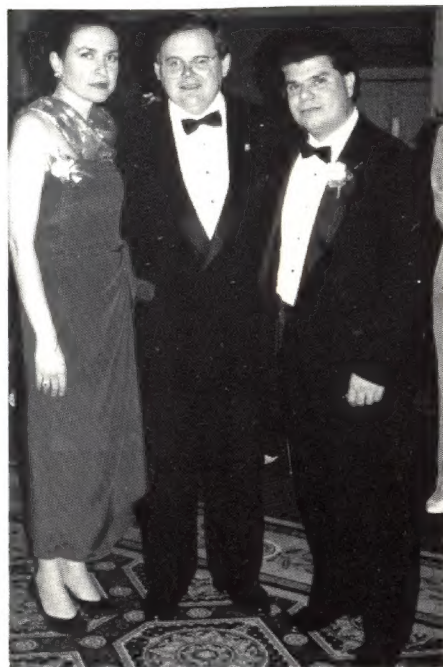
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Congressman Robert Menendez at center with Estela De La Cruz, HBA President and Rafael Perez, HBA President-Elect



Estela De La Cruz flanked by Morris County Prosecutor Michael Murphy at left and Wilfredo Caraballo President Hispanic National Bar Assn. at right.



From left to right: Ramon de la Cruz, Estela De La Cruz, Honorable Ariel Rodriguez of the Appellate Division, his wife Lourdes and Regino de la Cruz, Jr.

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